



PATENT APPLICATION  
Attorney Docket: 1302-56 (US1429214-4)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Mendicino et al.

Examiner: Barts, Samuel A.

Serial No.: 09/488,672

Group: Art Unit 1621

Filed: January 20, 2000

For: SURFACE-ACTIVE ADDITIVES IN THE DIRECT  
SYNTHESIS OF TRIALKOXY-SILANES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL DECLARATION AND POWER  
OF ATTORNEY FOR REISSUE APPLICATION**

Sir:

We, Frank D. Mendicino, Kenrick M. Lewis, and Thomas B. Childress, hereby declare that we are citizens of the United States, and I, Hua Yu, declare that I am a citizen of the People's Republic of China, and I, Sebastiano Magri, declare that I am a citizen of Italy, and we all (hereafter "we") declare that our residences are as stated below next to our names. We believe that we are the original and only inventors of the invention entitled SURFACE-ACTIVE ADDITIVES IN THE DIRECT-SYNTHESIS OF TRIALKOXY-SILANES described and claimed in our original application No., 08/729,266, filed October 10, 1996, and the resulting United States Patent No. 5,783,720 which issued July 21, 1998 ("the '720 patent"), and for which invention a reissue patent is solicited.

We do not know and do not believe that the invention of the '720 patent was ever known or used in the United States before our invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventors' certificate in any country foreign to the United States prior to the date of the original application or an application filed by us or our legal representatives

or assigns more than 12 months before the original application.

We have reviewed and understand the contents of the attached specification, including the claims, as amended by any amendments specifically referred to in this Declaration. We acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with 37 C.F.R. §§ 1.56(a) and 1.175(a)(7).

We believe that through error, without any deceptive intent, the '720 patent is partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. In particular, independent claim 1 as issued is unduly narrow and not commensurate in scope with the description in the specification and what we believe our invention to encompass. More particularly, claim 1 recites in paragraph (a) that the solvent is thermally stable, that the catalyst precursor is halogen-free, and in paragraph (c) that the hydrophobized particles are silica. Because it is unduly narrow, it may impact the scope of all other claims 2-18 which depend directly or indirectly on one of claim 1.

This error in the claim language arose without deceptive intent during prosecution of the application before the United States Patent and Trademark Office. Upon reviewing the issued claims in September 1999 we realized that the language of claims 1-18 could be clarified.

Therefore, by reason of the above-described errors, claims presented in original Patent 5,783,720 are not broad enough to cover all aspects of the invention disclosed in the patent. The unduly narrow scope of the claims resulted from a failure by ourselves, the assignee and counsel to realize that the claims did not cover all that was intended to be covered as set forth in the specification. By this reissue application, the identified errors are believed to be corrected.

All errors which are being corrected in the present reissue application up of the time of filing of this declaration arose without any deceptive intention on the part of the applicant.

Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said U.S. Letters Patent No. 5,783,720, and request that Letters Patent be reissued to ourselves and the assignee, CK Witco Corporation, for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## POWER OF ATTORNEY

I hereby revoke all previous Powers of Attorney given in the above-identified application.

I/we hereby appoint the practitioners associated with Customer Number 28249, and Henry H. Gibson, Reg. No. 28,951, Robert E. Walter, Reg. No. 25,245, Kenneth S. Wheelock, Reg. No. 36,340, John B. Yates, Reg. No. 39,433, Frank A. Smith, Reg. No. 39,375 and Hanh T. Pham, Reg. No. 40,771 all of General Electric Company, One Plastics Avenue, Pittsfield, MA 01201, Ronald E. Myric, Reg. No. 26,315, Jay Chaskin, Reg. No. 24,030, James W. Mitchell, Reg. No. 25,602, Henry J. Policinski, Reg. No. 26,621, Bernard Snyder, Reg. No. 24,843 and Catherine J. Winter, Reg. No. 38,364 of General Electric Company (W3E) 3135 Easton Turnpike, Fairfield, CT 06431-0001, as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to the address associated with Customer No. 28249.

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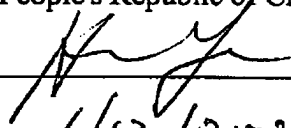
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